

CALIFORNIA STATE PERSONNEL BOARD MEETING  
801 Capitol Mall  
Sacramento, California

Public Session Location - Room 150

Closed Session Location - Room 141

MID-MONTH MEETING MINUTES\*

SEPTEMBER 14, 2004

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

Board Members present:

William Elkins, President  
Ron Alvarado, Vice President  
Anne Sheehan, Member  
Maeley Tom, Member

2. REPORT OF THE EXECUTIVE OFFICER  
Report of Floyd Shimomura, Executive Officer  
State Personnel Board

The Board was advised of the following:

- A. The personnel audit of the Secretary of State's (SOS) Office has begun. The State Personnel Board (SPB) staff are now "on-site" reviewing documents and interviewing SOS staff. The SOS staff is cooperating fully and we hope to finish the "data collection" phase of the audit shortly.

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\*The Minutes for the Board can be obtained at the following Internet address:  
**<http://www.spb.ca.gov/calendar.htm>**

- B. AB 2275, which conforms the State's Equal Employment Opportunity statutes to Proposition 209, is on the Governor's desk awaiting his consideration. The Executive Officer and SPB legal staff met with the Governor's legal affairs staff last week to discuss legal concerns raised by the State and Consumer Services Agency (SCSA) about AB 2275. At the conclusion of the meeting, the Governor's legal staff said it was satisfied that AB 2275 was legal and in compliance with Proposition 209. However, it is a policy question for the Governor as to whether or not he wants to sign or veto the legislation in its present form.
- C. The State and Consumer Services Agency (SCSA) has requested that the SPB submit its views on the California Performance Review's (CPR) "structural reform" proposal by September 20, 2004, so that the SCSA can forward its views to the CPR Commission and Governor's Office by October 1, 2004. SPB has assigned Karen Coffee, who worked with the CPR staff, to prepare the SPB's views. Basically, we will support the CPR's recommendation that the constitutionally created SPB remain "intact" and that the SPB and Department of Personnel Administration (DPA) staff functions be consolidated in a single "human resources" division with the newly proposed OMB. Moreover, we propose that the consolidated "human resources" division be administered by the Executive Officer of the State Personnel Board under rules of the SPB as specified in Article VII, section 3(b) of the California Constitution. Finally, we will recommend, as possible supplementary proposals, that the Public Employment Relations Board (PERB) staff also be included in the consolidated "human resources" division to achieve administrative savings of duplicative functions, but that the PERB board itself remain an independent body; and, that consideration be made to transfer DPA's collective bargaining unit to another part of the Office of Management and Budget (OMB) that contained the budget functions of the current Department of Finance.
- D. A brief report was given on the Executive Officer's attendance at a recent meeting of Cooperative Personnel Services (CPS), a joint-powers agency

created in 1985 of which the SPB is a founding member. While CPS is doing very well financially, the Executive Officer expressed concerns that CPS's current structure may not be adequate to provide the necessary public oversight as CPS grows from a state to a national organization with income now exceeding a hundred million dollars. One central problem is that the joint powers agencies which created CPS receive no financial benefits from CPS's success and excess funds appear to be plowed back into expansion, higher staff salaries, and large cash reserves. More attention will be paid to CPS in the coming year.

3. REPORT OF THE CHIEF COUNSEL – Elise Rose

The Chief Counsel reported on the following:

Litigation:

A. Caltrans v. SPB (Torossian) - Caltrans has filed an appeal of the superior court's decision sustaining the Board's decision in this case.

Other:

Karen Brandt, Senior Staff Counsel, SPB, appeared on behalf of Elise Rose at the Chief Counsel's meeting of the Labor and Workforce Development Agency. Topics discussed primarily pertained to how member agencies viewed probable implementation of the California Performance Review recommendations.

4. NEW BUSINESS

(Items may be raised by Board Members for scheduling and discussion at future meetings.)

Non new business

5. REPORT ON LEGISLATION

The Board was advised of the following:

- A. AB 2275 (Dymally), sponsored by the State Personnel Board is currently on the Governor's desk for signature. AB 2275 would repeal requirements to annually establish employment goals and timetables based on race or gender that were invalidated by the California Court of Appeal in *Connerly v. State Personnel Board*, and re-title Chapter 12 of Part 2, Division 5, Title 2 of the Government Code from "Affirmative Action Program" to "State Equal Employment Opportunity Program." In addition, it would clarify and strengthen equal employment opportunity requirements.
- B. The Legislative Director distributed to the State Personnel Board a briefing on human resource news from around the country.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

6. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY THE ADMINISTRATIVE LAW JUDGES

The Board deliberated on matters submitted at prior hearings, on proposed decisions, petitions for rehearing, rejected decisions, remanded decisions, submitted decisions, and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653.]

7. PENDING LITIGATION

As discussion of pending litigation in open session would be prejudicial, the Board conducted closed session conferences with legal counsel and received advice as necessary regarding pending litigation as listed in the agenda. [Government Code Sections 11126 (e)(1), 18653.]

8. RECOMMENDATIONS TO THE LEGISLATURE  
The Board deliberated on recommendations to the Legislature as listed in the agenda. [Government Code Section 18653.]
9. RECOMMENDATIONS TO THE GOVERNOR  
The Board deliberated on recommendations to the Governor as listed in the agenda. [Government Code Section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

10. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF OCTOBER 5-6, 2004 IN SACRAMENTO, CALIFORNIA

BOARD ACTIONS

11. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF SEPTEMBER 1-2, 2004

NO ACTION

12. ACTION ON SUBMITTED ITEMS  
(See Minutes Page 25)

13. EVIDENTIARY CASES  
The Board Administrative Law Judges conducts Evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

On September 14, 2004, the Board adopted by majority vote (Alvarado, Sheehan and Tom [Elkins did not participate in the vote]), in the cases indicated below, the following decisions presented by Elise Rose, Chief Counsel, State Personnel Board.

A. BOARD CASES SUBMITTED

These cases have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting.

MARTIN HERNANDEZ, CASE NO. 02-4449A

Appeal from demotion  
Correctional Sergeant  
Calipatria State prison – Imperial  
Department of Corrections  
NO ACTION

CONNIE JAMES, CASE NO. 03-3136A

Appeal from fifteen-working-days  
suspension  
Accounting Technician  
Employment Development Department  
NO ACTION

HUGO LANDEROS, CASE NO. 03-3190A

Appeal from dismissal  
Employment Program Representative  
Employment Development Department  
NO ACTION

JACQUELYN MCCARVER, CASE NO. 03-0669A

Appeal from demotion  
Correctional Sergeant  
Rainbow Conservation Center – Fallbrook  
Department of Corrections  
NO ACTION

MARYLAND PAGE, CASE NO. 03-3703A

Appeal from five-percent reduction  
in salary for twelve months  
Correctional Officer  
California State Prison – Blythe  
Department of Corrections  
NO ACTION

GARY WHALEY, CASE NO. 03-1420A

Appeal from discrimination  
Employment Program Representative  
Employment Development Department  
NO ACTION

B. CASES PENDING

- Oral Arguments

These cases are on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

NONE

C. CHIEF COUNSEL RESOLUTIONS

LANA DAVIS, CASE NO. 03-3788

Appeal from dismissal

Licensing Representative I

Dept. of Alcoholic Beverage Control

ACTION: The Board issued a resolution remanding the case to an Administrative Law Judge for a back-pay hearing solely to determine whether appellant has been fully paid all back salary and benefits due her pursuant to the Board's decision dated May 19, 2004.

RONNIE GLICK, CASE NO. 03-2135

Appeal from salary reduction

Associate State Park Resource Ecologist

Department of Parks & Recreation

ACTION: The Board issued a resolution denying appellant's request for an order to show cause without prejudice to appellant's right to seek a judicial remedy.

- Court Remands

These cases have been remanded to the Board by the court for further Board action.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

- Proposed Decisions

These are ALJ proposed decisions submitted to the Board for the first time.

ANDREW CASTRO, SPB CASE NO. 04-1034  
Appeal from dismissal  
State Park Ranger I  
Department of Parks and Recreation  
ACTION: Dismissal sustained.

NESSLIN CRUZ, CASE NO. 03-1824  
Appeal from ten-work-day  
suspension  
Employment Program Representative  
(Permanent Intermittent)  
Employment Development Department  
ACTION: Administrative Law Judge's proposed  
decision rejected by Board. Board to decide case  
itself.

PRISCILA CRUZ, CASE NO. 04-0554E  
Appeal from discrimination complaint  
Clinical Laboratory Scientist  
California Medical Facility - Vacaville  
Department of Corrections  
ACTION: Administrative Law Judge's proposed  
decision rejected by Board. Board to decide case  
itself.

DEBORAH DELGARDO, CASE NO. 01-1668  
Appeal from dismissal  
Motor Vehicle Field Representative  
Department of Motor Vehicles  
ACTION: Dismissal revoked.

DOREATHA FLEMING, CASE NO. 03-2274  
Appeal from dismissal  
Motor Vehicle Field Representative  
Department of Motor Vehicles  
ACTION: Administrative Law Judge's proposed  
decision rejected by Board. Board to decide case  
itself.

ZANE FRALICK, CASE NO. 04-0326  
Appeal from 15-working-day suspension  
Officer  
Department of the California Highway Patrol  
ACTION: 15-working-day suspension modified to 10-  
working-days suspension.



CHARLES HEINZ, CASE NO. 03-2803  
Appeal from dismissal  
Business Taxes Compliance Specialist  
Board of Equalization  
ACTION: Dismissal sustained.

MICHAEL HUDSON ET AL, CASE NO. 03-0756  
Appeal from demotion  
position of Special Agent Supervisor to  
Special Agent  
Department of Justice  
ACTION: Demotion revoked.

EDUARDO HEREDIA, CASE NO. 03-0763  
Appeal from three-working-days suspension  
Special Agent  
Department of Justice  
ACTION: Three-working-days suspension revoked.

MITCHELL FOX, CASE NO. 03-0972  
Appeal from three-working-days suspension  
Special Agent  
Department of Justice  
ACTION: Three-working-days suspension revoked.

HAJI JAMEEL, CASE NO. 04-0330  
Appeal from dismissal  
Supervising Transportation Engineer  
California Public Utilities Commission  
ACTION: Administrative Law Judge's proposed  
decision rejected by Board. Board to decide case  
itself.

ARTHUR RIVERA, CASE NO. 04-1278  
Appeal from dismissal  
Correctional Supervising Cook  
North Kern State Prison - Delano  
Department of Corrections  
ACTION: Dismissal sustained.

ROY M. TORNELLO, CASE NO. 04-0892  
Appeal from 20-work-days suspension  
Caltrans Electrician II  
Department of Transportation  
ACTION: 20-work-days suspension sustained.

BILLY WARD, CASE NO. 03-3742  
Appeal from five-percent reduction  
in salary for six months  
Correctional Officer  
California State Prison – Lancaster  
Department of Corrections  
ACTION: Five-percent reduction in salary for six  
months sustained.

- Proposed Decisions Taken Under Submission  
At Prior Meeting  
These are ALJ proposed decisions taken under  
submission at a prior Board meeting, for lack of  
majority vote or other reason.

NONE

- Proposed Decisions After Board Remand

MICHELLE DAWKINS, CASE NO. 03-2755R  
Appeal from demotion from Fiscal  
Services Supervisor to Typist Clerk III  
Human Services Agency  
ACTION: Demotion sustained.

- Proposed Decisions After SPB Arbitration

NONE

E. PETITIONS FOR REHEARING

- ALJ Proposed Decisions Adopted By The  
Board  
The Board will vote to grant or deny a petition  
for rehearing filed by one or both parties,  
regarding a case already decided by the  
Board.

RONALD BORTMAN, M.D., CASE NO. 03-3022P

Appeal from five-percent reduction in salary for six months  
Staff Psychiatrist (CF)  
California State Prison - Crescent City  
Department of Corrections  
Petition for rehearing filed by appellant granted.

JANETTE CLEMENT, CASE NO. 03-3443P

Appeal from three-month suspension  
Psychiatric Technician  
Department of Developmental Services  
Petition for rehearing filed by appellant denied.

ERNESTINE FORREST, CASE NO. 00-0375BP & CASE NO. 00-1274BP

Appeal from six-week suspension and dismissal  
Corporations Counsel  
Department of Corporations  
Petition for rehearing filed by appellant denied.

SYRUS PARVEZIAN, CASE NOS. 03-0041P & 03-0852P

Appeal from thirty-calendar-days suspension and dismissal  
Associate Engineering Geologist  
Department of Transportation  
Petition for rehearing filed by appellant denied.

YVETTE SALDIVAR, CASE NO. 04-0335P

Appeal from rejection during probationary period  
Staff Services Analyst  
Employment Development Department  
Petition for rehearing filed by appellant denied.

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MATTHEW SEIFERT, CASE NO. 03-2397P  
Appeal from dismissal  
Officer  
Department of California Highway Patrol  
Petition for rehearing filed by  
appellant denied.

JAMES MICHAEL WOLF, CASE NO. 04-0278  
Appeal from Official Reprimand  
Youth Correctional Counselor  
Department of the Youth Authority  
Petition for rehearing filed by appellant  
denied.

- Whistleblower Notice of Findings  
The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

ANN R. ABIERAS, CASE NO. 04-0531A  
Appeal from ten-percent reduction  
in salary for twelve months  
Psychiatric Technician Assistant  
Department of Developmental Services  
NO ACTION

DANNY BOYD, CASE NO. 03-1537A  
Appeal from dismissal  
Youth Correctional Officer  
California Youth Authority - Chino  
NO ACTION

NICHOLAS COMAITES, CASE NO. 03-0062A  
Appeal from official reprimand  
Correctional Counselor II  
Department of Corrections  
AND  
PAUL WARD, CASE NO.03-0332A  
Appeal from official reprimand  
Correctional Administrator  
Department of Corrections  
NO ACTION

EVELYN B. CORPUS, CASE NO. 04-0529A  
Appeal from ten-percent reduction in  
salary for twelve months  
Psychiatric Technician Assistant  
Department of Developmental Services  
NO ACTION

MICHELLE DAWKINS, CASE NO. 03-2755R  
Appeal from demotion  
Fiscal Services Supervisor to Typist Clerk III  
Human Services Agency, Merced County  
NO ACTION

JOHN FLORES, CASE NO. 03-2588E  
Appeal of retaliation  
Hospital Peace Officer I  
Department of Mental Health  
NO ACTION

DEBRA GREENE, CASE NO. 03-0621A  
Appeal from dismissal  
Motor Vehicle Field Representative  
Department of Motor Vehicles  
NO ACTION

RICHARD HARMON, CASE NO. 03-3739  
Appeal from dismissal  
Psychiatric Technician Assistant  
Department of Developmental Services  
NO ACTION

ROYCE HENSON, CASE NO. 02-3501E  
Appeal from retaliation complaint  
Staff Services Manager II (Supervisor)  
Department of Forestry and Fire Protection  
NO ACTION

CONNIE JOHNSON, CASE NO. 03-2620A  
Appeal from 30-calendar-days suspension  
Employment Program Representative  
Employment Development Department  
NO ACTION

EDWARD LIMON, CASE NO. 04-0233  
Appeal from dismissal  
Parole Agent I  
Department of the Youth Authority  
NO ACTION

LEIJANE OGAWA, CASE NO. 03-2943A  
Appeal from discrimination  
Office Assistant (General)  
Department of  
NO ACTION

VIRGINIA PARKER, CASE NO. 03-0325A  
Appeal from demotion  
Correctional Lieutenant  
Ironwood State Prison – Blythe  
Department of Corrections  
NO ACTION

KIM RITTENHOUSE, CASE NOS. 03-3541A &  
03-3542A  
Appeal from denial of reasonable accommodation  
and from constructive medical termination  
Office Technician (General)  
Department of Fish and Game  
NO ACTION

PEARLIE BLEDSOE-TOWNES, CASE NO. 03-2966A  
Appeal from denial of request for reasonable  
accommodation  
Correctional Sergeant  
Central California Women's Facility – Chowchilla  
Department of Corrections  
NO ACTION

DENNIS UYEDA, CASE NO. 03-2396A  
Appeal from five-working-days suspension  
Latent Print Analyst II  
Department of Justice  
NO ACTION

14. RESOLUTION EXTENDING TIME UNDER GOVERNMENT  
CODE SECTION 18671.1 EXTENSION  
(See Minutes Pages 27-28)

15. NON-EVIDENTIARY CASES  
On September 14, 2004, the Board adopted by majority vote  
(Alvarado, Sheehan and Tom [Elkins did not participate in the  
vote]), in the cases indicated below, the following decisions  
presented by Elise Rose, Chief Counsel, State Personnel  
Board.

A. WITHHOLD APPEALS

(Cases Heard By A Staff Hearing Officer)

THOMAS ANDRADE, CASE NO. 03-1527  
**Classification:** Cadet, CHP  
**Department:** California Highway Patrol  
ACTION: DENIED

ROBERT DAVIS, CASE NO. 03-2043  
**Classification:** Cadet, CHP  
**Department:** California Highway Patrol  
ACTION: DENIED  
(Cases Not Heard By A Staff Hearing Officer)

GARY AMBROSINI, CASE NO. 03-2758  
**Classification:** Correctional Officer  
**Department:** Corrections  
ACTION: DENIED

FERNANDO AUSTIN, CASE NO. 03-3393  
**Classification:** Correctional Officer  
**Department:** Department of Corrections  
**ACTION:** DENIED

JASON CICHOSKI, CASE NO. 03-3394  
**Classification:** Correctional Officer  
**Department:** Department of Corrections  
**ACTION:** GRANTED

MARTHA FORSHEE, CASE NO. 03-2913  
**Classification:** Medical Technical Assistant  
**Department:** Department of Corrections  
**ACTION:** DENIED

JUSTIN GRESHAM, CASE NO. 03-2340  
**Classification:** Correctional Officer  
**Department:** Department of Corrections  
**ACTION:** DENIED

SAMATHA HILL, CASE NO. 03-3099  
**Classification:** Correctional Officer  
**Department:** Department of Corrections  
**ACTION:** DENIED

DOROTEO JIMINEZ, CASE NO. 03-2928  
**Classification:** Correctional Officer  
**Department:** Department of Corrections  
**ACTION:** DENIED

DUANE JOHNSON, CASE NO. 03-3482  
**Classification:** Correctional Officer  
**Department:** Department of Corrections  
**ACTION:** DENIED

PHILLIP LIVINGSTON, CASE NO. 03-3098  
**Classification:** Correctional Officer  
**Department:** Corrections  
**ACTION:** DENIED

THOMAS MARTINEZ, CASE NO. 03-2343  
**Classification:** Correctional Officer  
**Department:** Department of Corrections  
**ACTION:** DENIED



HERIBERTO MORENO, CASE NO. 03-3283  
**Classification:** Correctional Officer  
**Department:** Department of Corrections  
**ACTION:** DENIED

JOSE OLMOS, CASE NO. 03-3474  
**Classification:** Correctional Officer  
**Department:** Department of Corrections  
**ACTION:** DENIED

PAUL PARASCHAK, CASE NO. 03-3611  
**Classification:** Correctional Officer  
**Department:** Department of Corrections  
**ACTION:** DENIED

ALVIN POWELL, CASE NO. 03-2684  
**Classification:** Fraud Investigator, (DHS)  
**Department:** Health Services  
**ACTION:** DENIED

JIM RHYU, CASE NO. 03-3646  
**Classification:** Correctional Officer  
**Department:** Department of Corrections  
**ACTION:** DENIED

EDGAR ROJAS, CASE NO. 03-2746  
**Classification:** Correctional Officer  
**Department:** Department of Corrections  
**ACTION:** DENIED

SUZANNE ROMERO, CASE NO. 03-2941  
**Classification:** Staff Information Systems Analyst  
(Specialist)  
**Department:** State Personnel Board  
**ACTION:** DENIED

HECTOR RUBIO, CASE NO. 03-3637  
**Classification:** Correctional Officer  
**Department:** Corrections  
**ACTION:** DENIED

JONATHAN SABERON, CASE NO. 03-2667  
**Classification:** Correctional Officer  
**Department:** Corrections  
**ACTION:** DENIED

FRANK SANCHEZ, CASE NO. 03-3649

**Classification:** Correctional Officer

**Department:** Corrections

**ACTION:** GRANTED

BILL SCOTT, CASE NO. 03-2844

**Classification:** Licensing-Registration Examiner

**Department:** Motor Vehicles (DMV)

**ACTION:** GRANTED

JOSHUA SMITH, CASE NO. 03-3696

**Classification:** Correctional Officer

**Department:** Corrections

**ACTION:** DENIED

DAVID SNYDER, CASE NO. 03-2848

**Classification:** Correctional Officer

**Department:** Corrections

**ACTION:** DENIED

STEVEN STRINGHAM, CASE NO. 03-3755

**Classification:** Correctional Officer

**Department:** Corrections

**ACTION:** DENIED

JAKE SWAFFORD, CASE NO. 03-2740

**Classification:** Youth Correctional Officer

**Department:** California Youth Authority (CYA)

**ACTION:** DENIED

JOSHUA THORNTON, CASE NO. 03-3648

**Classification:** Correctional Officer

**Department:** Corrections

**ACTION:** DENIED

JESUS TRANCOSO, CASE NO. 03-3563

**Classification:** Correctional Officer

**Department:** Department of Corrections **ACTION:**

DENIED

ALONZO WHITAKER, CASE NO. 03-3647

**Classification:** Correctional Officer

**Department:** Department of Corrections

**ACTION:** DENIED

B. MEDICAL AND PSYCHOLOGICAL SCREENING  
APPEALS

TIFFANY BAILEY, CASE NO. 03-3403

**Classification:** Cadet (CHP)

**Department:** California Highway Patrol

**ACTION:** Retracted from agenda by SPB staff. Not  
for Board consideration.

C. EXAMINATION APPEALS - NONE  
MINIMUM QUALIFICATIONS - NONE  
MERIT ISSUE COMPLAINTS - NONE

D. RULE 212 OUT-OF-CLASS APPEALS - NONE  
VOIDED APPOINTMENT APPEALS - NONE  
RULE 211 APPEALS - NONE

E. REQUEST TO FILE CHARGES CASES  
PETITIONS FOR REHEARING CASES - NONE

MICHAEL GARBEDIAN, CASE NO. 03-2281

**Classification:** Staff Counsel

**Department:** Conservation

**ACTION:** DENIED

DON HANSEN, CASE NO. 02-4467

**Classification :** Associate Civil Engineer

**Department:** Department of Transportation

**ACTION:** DENIED

DON HANSEN, CASE NO. 02-4468

**Classification :** Associate Civil Engineer

**Department:** Department of Transportation

**ACTION:** DENIED

DON HANSEN, CASE NO. 02-4469

**Classification :** Associate Civil Engineer

**Department:** Department of Transportation

**ACTION:** DENIED

DON HANSEN, CASE NO. 02-4470

**Classification :** Associate Civil Engineer

**Department:** Department of Transportation

ACTION: DENIED

TERRY MEYERS, CASE NO. 03-2435

**Classification:** a committed offender housed at  
Atascadero State Hospital (ASH)

**Department:** Mental Health, Atascadero State  
Hospital

ACTION: DENIED

JOHN RHODES, CASE NO. 04-0095

**Classification :** A civilly committed offender housed  
at Atascadero State Hospital.

**Department:** Mental Health

ACTION: DENIED

F. PSYCHOLOGICAL SCREENING CASES - NONE

Cases reviewed by Appeals Division staff, but no  
hearing was held. It is anticipated that the Board will  
act on these proposals without a hearing.

16. NON-HEARING CALENDAR

The following proposals are made to the State Personnel  
Board by either the Board staff or Department of Personnel  
Administration staff. It is anticipated that the Board will act on  
these proposals without a hearing.

(1) FISH AND GAME WARDEN SERIES

The Department of Fish and Game (DFG) is proposing  
the following revisions to the Fish and Game Warden  
series specification: the class titles are being revised  
for consistency; revisions to the class specification to  
incorporate and update new laws regarding domestic  
violence and prior use of hard drugs by the applicant;  
revise the Minimum Qualifications to add a pattern  
whereby current peace officers can enter the class and  
obtain the necessary training to perform the duties of a  
law enforcement officer; abolishing the classes of  
Lieutenant, Fish and Game Patrol Boat and Captain,  
Fish and Game Patrol Boat.

NO ACTION

17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

Staff has approved the following:

- (1) SOUTH BAY FIRE DEPARTMENT  
The California Department of Forestry and Fire Protection requests that the South Bay Fire Department employees of the Los Osos Community Services District be Transferred into State civil service.

ACTION: Noted

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION

- (1) DEPUTY SECRETARY, LABOR RELATIONS  
The Department of Youth Authority on behalf of the Youth and Adult Correctional Agency (YACA) proposes to allocate the above position to the CEA category. The Deputy Secretary, Labor Relations will be responsible for the evaluation and implementation of labor policy for all departments and boards under the YACA authority.
- (2) CHIEF, COMMUNICATIONS OFFICE  
The State Board of Equalization (BOE) proposes to allocate the above position to the CEA category. The Chief, Communications Office serves as the principal spokesperson for the BOE, providing guidance, policy formulation and policy direction relative to public relations, outreach and media related issues.
- (3) DIRECTOR OF CRITICAL INFRASTRUCTURE PROTECTION  
The Office of Emergency Services on behalf of the State Office of Homeland Security proposes to allocate the above position to the CEA category. The Director of Critical Infrastructure Protection will be responsible for a key function of

the Office of Homeland Security, developing critical infrastructure policy for the State, coordinating the efforts of all State agencies.

(4) ASSISTANT DIRECTOR OF CRITICAL INFRASTRUCTURE PROTECTION

The Office of Emergency Services on behalf of the State Office of Homeland Security proposes to allocate the above position to the CEA category. The Assistant Director of Critical Infrastructure Protection will, in conjunction with the Director of Critical Infrastructure Protection, develop policy for coordinating the protection for the State's critical infrastructure, such as dams, bridges, chemical plants, electrical generation, and ports.

(5) DIRECTOR OF LOCAL, EXTERNAL AND LEGISLATIVE AFFAIRS

The Office of Emergency Services on behalf of the State Office of Homeland Security proposes to allocate the above position to the CEA category. The Director of Local, External and Legislative Affairs will be responsible for developing policies coordinating the large number of federal, State and local issues that arise in the area of homeland security.

(6) ASSISTANT DIRECTOR OF LOCAL, EXTERNAL AND LEGISLATIVE AFFAIRS

The Office of Emergency Services on behalf of the State Office of Homeland Security proposes to allocate the above position to the CEA category. The Assistant Director of Local, External and Legislative Affairs will be responsible for developing policies coordinating the large number of federal, State and local issues that arise in the area of homeland security.

(7) DIRECTOR OF PLANNING, RESEARCH AND EMERGENCY PREPAREDNESS

The Office of Emergency Services on behalf of the State Office of Homeland Security proposes to allocate the above position to the CEA

category. The Director of Planning, Research and Emergency Preparedness will be responsible for developing policy and coordinating several programs, such as the development of a statewide first responder communications interoperability plan, in addition to the continuing stream of new programs and issues as they arise.

(8) ASSISTANT DIRECTOR OF PLANNING,  
RESEARCH AND EMERGENCY  
PREPAREDNESS

The Office of Emergency Services on behalf of the State Office of Homeland Security proposes to allocate the above position to the CEA category. The Assistant Director of Planning, Research and Emergency Preparedness will be responsible for policy development and coordination of several programs, such as oversight of the Homeland Security Exercise and Evaluation program, and be available for the continuing stream of new programs and issues that arise.

(9) ASSISTANT DIRECTOR OF INFORMATION  
ANALYSIS

The Office of Emergency Services on behalf of the State Office of Homeland Security proposes to allocate the above position to the CEA category. The Assistant Director of Information Analysis will provide policy direction and coordination for the California State Warning Center, which is the State's counter-terrorism intelligence center, and coordinate the four regional information analysis centers.

(10) ASSISTANT DIRECTOR OF GRANT  
MANAGEMENT

The Office of Emergency Services on behalf of the State Office of Homeland Security proposes to allocate the above position to the CEA category. The Assistant Director of Grant Management will be responsible for grant

Program policy development and serve as the liaison on grant-related issues to other federal, State and local entities.

B. EXECUTIVE OFFICER DECISIONS REGARDING  
REQUESTS TO ESTABLISH NEW CEA POSITIONS

- (1) ASSISTANT CHIEF DEPUTY DIRECTOR  
The Department of Alcoholic Beverage Control has withdrawn their request to establish the above position to the CEA category has been withdrawn effective August 10, 2004.

ACTION: Noted

19. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE

ADJOURNMENT



SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC. Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002)

NO ACTION

2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES). Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002)

NO ACTION

3. TELEVISION SPECIALIST (SAFETY)  
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003)

NO ACTION

4. HEARING – PSC #04-03  
Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Presented to Board August 12, 2004)

NO ACTION

**NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

**GOVERNMENT CODE § 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on September 14, 2004.

VOTE: Alvarado, Sheehan and Tom – Aye.

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FLOYD SHIMOMURA  
Executive Officer  
California State Personnel Board